

REMARKS

An Office Action was mailed on October 6, 2005.

The Examiner notes that claims 1-17 and claims 19-45 are pending. Applicant, however, respectfully notes that, in fact, claim 18 has not been cancelled. The Examiner is respectfully requested to acknowledge same.

Thus, claims 1-45 are pending, of which claims 10, 12, 24, 26 and 41 are independent claims.

By the foregoing, claims 1-9 are cancelled and claims 10-45 are amended. No new matter is introduced and all claims are well supported by specification.

Rejection Under Judicially Created Doctrine of Double Patenting

Claims 1-17 and claims 19-32 of the present application are deemed to conflict with claims 1-23 of Application US 09/688,901. Applicant respectfully notes that, in fact, claims 1-17 and claims 19-23 are pending in Application '901. Applicant has cancelled conflicting claims 1-9 and has amended the remaining claims to avoid the double patenting conflict.

Furthermore, Applicant herewith submits a Terminal Disclaimer thereto, to avoid further rejection. Examiner is kindly requested to acknowledge same and withdraw the rejection.

Rejection Under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)

Claims 1-7, 11, 13-16, 19, 20, 25, and 27-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,782,190 to Morito (Morito). Claims 8-10, 12, 17-18, 21-23, 26, 31-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morito in view of U.S. Patent No. 6,222,800 to Miller et al. (Miller). Although not

explicitly stated, it is presumed that other claims also stand rejected under Morito in view of Miller.

The disposition of claim 41 appears unclear. However, Applicant herewith argues patentability with respect to Morito and Miller.

The present invention is a digital recording apparatus. All independent claims require a pull slider (claims 10 and 12) or a pull lever (claims 24, 26, and 41) for transporting a fresh disk.

Neither Morito nor Miller, alone or in any combination thereof, teach, disclose, or suggest such a pull slider or a pull lever in the claimed digital recording apparatus for handling an imprinted fresh disk to a driver and to a recording head. As disclosed in Fig. 1 in conjunction with the specification at page 7, lines 21-30 and in the specification as whole, the simplicity of the claimed pull slider or pull lever permits simple relatively-maintenance free operation.

Morito is silent with respect to such a structure.

Miller teaches automatic feeding of a disk that in contrast to the presently claimed structure, as depicted below, requires a complex and bulky load unit 12 having an equally bulky transporting mechanism 300. As disclosed on col. 8, line 14-col. 9, line 4, the mechanism requires all types of devices such as retractable platform 314, belts 336, support bars 342 etc. The result is a large, unwieldy, complex structure that requires an L shaped footprint to move the disk. Thus, Miller fails to teach the simple and efficient claimed structure.

Given the mechanical complexity of Miller, it is unclear if a Miller and Morito would be able to cooperate successfully in a single apparatus without major modifications to the structure of Miller to accommodate the aims of Morito. Accordingly, the Examiner is respectfully requested to withdraw the rejection.

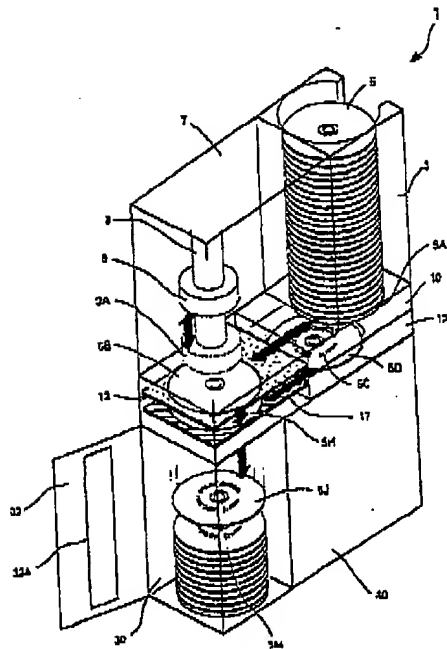


FIG. 1

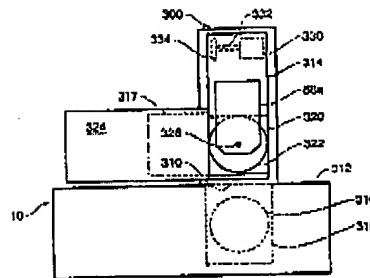
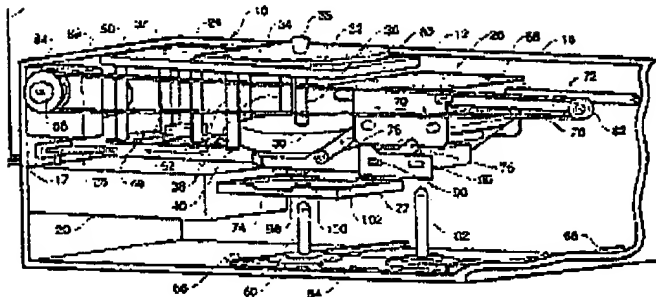


FIG. 10



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Furthermore, as is now claimed with respect to independent claims 10, 12, 24 and 26, the digital recording apparatus includes a controller having a coding generating and mixing means for generating an exclusive code wherein that exclusive code is different from the pre-imprinted code of a fresh disk. The digital recording apparatus further includes an imprinting means for printing the exclusive code on a label surface, which is opposite to a data recording surface.

Neither Morito nor Miller, alone or in any combination thereof, teach, disclose, suggest the claimed invention. On page 3 of the Office Action, the Examiner suggests that

Morito teaches *"imprinting said exclusive code onto a label, the label being disposed on a surface opposite to a digital video signal."* On page 5, it is conceded that in fact Morito makes no such teaching and that Miller does teach this. Applicant most respectfully suggests that neither Morito nor Miller, alone or in any combination thereof, teach, disclose, or suggest the claimed digital recording apparatus including a controller having a coding generating and mixing means for generating an exclusive code wherein that exclusive code is different from the pre-imprinted code of a fresh disk and wherein the digital recording apparatus further includes an imprinting means for printing the exclusive code on a label surface, which is opposite to a data recording surface.

Notwithstanding that such a claim amendment had not been made prior to the present response, in support of the first proposition, the Examiner cites column 3, lines 38-45. It is believed the same lines on col. 4 are being reference.

Morito teaches in column 4, lines 38-45, that a laser is configured to cut a series of bar code like stripes in burst cutting area 2 to represent a serial number. At col. 4, lines 20-23, Morito identifies that disk 1 according to the invention comprises of identification area 2 and a data area 3. When the cited passages are viewed in conjunction with Fig. 3, it is clear that the burst cutting area 2 and data area 3 are on the same physical side of the disk. Thus, Morito, in fact, teaches using a laser on the same side as a disk as where the data is recorded.

Furthermore, Morito teaches that the burst cut area is for placing a unique identifier during the manufacture of the disk. Thus, the identifier that Morito uses is the same identifier as is marked on the disk, which is a clear problem in the security industry where data obfuscation is preferred.

In contrast, the presently claimed invention, requires an exclusive code which is than a pre-imprinted code on a disk, i.e. with serial number of the disk as taught by Morito. Such an exclusive code provides clear advantages as spelled out on page 14, lines 12 et al. of the specification. Therein, for example, a layman who would handle the disk, would not be able to determine what, in fact, the exclusive code relates to and would not be able to reproduce it and mix it in the video signal, if such layman wanted to deceive someone else with regard to the content of the disk.

Morito, unlike the present invention, does not teach an imprinting means but teaches using a cutting apparatus, namely a laser.

For the reasons give, Morito fails to anticipate the presently claimed invention.

On page 5 of the Office Action, the Examiner concedes that Morito fails to disclose the imprinting of a code onto a label and placing the label onto a disk. Miller is cited for filling the gaps.

Miller teaches an automatic labeling process during automatic batch duplication of data using a more complex structure to move the disk than the presently claimed structure. However, Miller solely teaches copying a predetermined static label. Thus, Miller is silent with respect to any code generation to create an exclusive code. Miller in arguendo simply teaches placing a label that has already been pre-determined onto a disk.

In fact, if Morito does not teach creating an exclusive code. Miller also cannot place such an exclusively coded label on the disk.

No is it clear how the combination of Morito and Miller would work on a physical and a data level. On a physical level, Miller would need to be significantly altered to interact with the movement of a disk in Morito. On a data level, assuming in arguendo that Morito teaches code generation, Morito would need to duplicate the code information and pass the copy to code to Miller. However, Miller teaches automatic batch duplication rather than the individual recording of disks and the code information. However, Miller would then need to be further altered to receive a constant and variable data flow with which it then would to print labels, affix them to disks, and then hand them back to Morito on an individual basis. To be able to use the data of Miller, Morito would need to have new means added to read labels rather than laser reading laser cut burst data in a disk and have this arrangement such that the reading is performed on a side that is opposite to the data reading surface.

Thus, for the reasons given above, individually and collectively, Examiner is respectfully requested to withdraw the rejections and pass the present case to allowance.

All dependent claims are allowable for at least the same reasons as the independent claim from which they depend.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, including any necessary extension fees, may be charged on Deposit Account 50-1290.

Respectfully submitted,



Hassan A. Shakir
Reg. No. 53,922
(212) 940.6489

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